

1-1 By: Harris S.B. No. 269  
1-2 (In the Senate - Filed November 12, 2008; February 11, 2009,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 March 26, 2009, reported favorably by the following vote: Yeas 6,  
1-5 Nays 0; March 26, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to use of electronically readable information on a  
1-9 driver's license or personal identification certificate in  
1-10 connection with the over-the-counter sale of ephedrine,  
1-11 pseudoephedrine, or norpseudoephedrine; providing a criminal  
1-12 penalty.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter B, Chapter 486, Health and Safety  
1-15 Code, is amended by adding Section 486.0141 to read as follows:

1-16 Sec. 486.0141. USE OF CERTAIN ELECTRONICALLY READABLE  
1-17 INFORMATION. (a) A person may access electronically readable  
1-18 information on a driver's license, commercial driver's license, or  
1-19 personal identification certificate for the purpose of complying  
1-20 with Section 486.014.

1-21 (b) Information accessed under this section may not be sold  
1-22 or otherwise disseminated to a third party for any purpose,  
1-23 including any marketing, advertising, or promotional activities.  
1-24 The information may be obtained by court order or on request by the  
1-25 department or the Department of Public Safety.

1-26 (c) A person who violates this section commits an offense.  
1-27 An offense under this section is a Class A misdemeanor.

1-28 SECTION 2. Subsection (d), Section 521.126, Transportation  
1-29 Code, is amended to read as follows:

1-30 (d) The prohibition provided by Subsection (b) does not  
1-31 apply to a person who accesses, uses, compiles, or maintains a  
1-32 database of the information for a law enforcement or governmental  
1-33 purpose, including:

1-34 (1) an officer or employee of the department carrying  
1-35 out law enforcement or government purposes;

1-36 (2) a peace officer, as defined by Article 2.12, Code  
1-37 of Criminal Procedure, acting in the officer's official capacity;

1-38 (3) a license deputy, as defined by Section 12.702,  
1-39 Parks and Wildlife Code, issuing a license, stamp, tag, permit, or  
1-40 other similar item through use of a point-of-sale system under  
1-41 Section 12.703, Parks and Wildlife Code;

1-42 (4) a person acting as authorized by Section 109.61,  
1-43 Alcoholic Beverage Code;

1-44 (5) a person establishing the identity of a voter  
1-45 under Chapter 63, Election Code;

1-46 (6) a person acting as authorized by Section 161.0825  
1-47 or 486.0141, Health and Safety Code; or

1-48 (7) a person screening an individual who will work  
1-49 with or have access to children if the person is an employee or an  
1-50 agent of an employee of a public school district or an organization  
1-51 exempt from federal income tax under Section 501(c)(3), Internal  
1-52 Revenue Code of 1986, as amended, that sponsors a program for youth.

1-53 SECTION 3. This Act takes effect immediately if it receives  
1-54 a vote of two-thirds of all the members elected to each house, as  
1-55 provided by Section 39, Article III, Texas Constitution. If this  
1-56 Act does not receive the vote necessary for immediate effect, this  
1-57 Act takes effect September 1, 2009.

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